THE HON'BLE MR. JUSTICE V.V.S. RAO

FRIDAY, THE 30TH DAY OF DECEMBER, 2005

W.P.No. 27429 of 2005

Between:-

Syed Shujjat Ali Hussaini, represented through his G.P.A. Holder Syed Sajjad Razvi.

--Petitioner

And

The Chief Commissioner of Land Administration, A.P., Hyderabad and two others.

--Respondents

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:O R D E R:

The petitioner herein claims to be the Inamdar of agricultural land admeasuring Acs.35-08 gts., comprised in survey Nos. 398, 399, 409, 410, 411 and 579 of Malkajgiri village and mandal, Ranga Reddy district, having acquired the same as a successor of late Smt. Tajunnisa Begum, original holder of Muntakab and Inamdar. It is the case of the petitioner that due to dispute among the shareholders, A.P. Wakf Board took control over the lands and the lands were recorded as 'Nigrani Wakf Board'. Subsequently, there was a compromise among the shareholders and Saheb-e-Muntakab, which is also recorded by this court in W.P.No. 211 of 1966. In 1967, a part of the land was acquired for Railways and in view of the dispute for apportionment of the compensation, the matter was referred to the civil court in O.P.No. 243 of 1967 on the file of the Court of learned Additional Chief Judge, City Civil Court, Hyderabad. In the said O.P. No. 243 of 1967, the claim of the A.P. Wakf Board was rejected and the compensation was paid to the petitioner. The mutation in favour of the original Inamdar was sanctioned by the respondent Nos. 2 and 3, but all the lands were not included. Therefore, the petitioner filed an application before the Revenue Divisional Officer, Chevella, who, by the proceedings dated 29-10-2003, passed orders in favour of the petitioner while rejecting the claim of others. Thereafter, on 10-10-2005, the petitioner made a representation to the first respondent seeking appropriate mutation and issue of Pattadar Passbooks and title deeds. By Memo dated 26-10-2005, the first respondent directed the second respondent to take necessary action in the matter, in vain. Therefore, the present writ petition is filed seeking a direction to the respondent Nos. 2 and 3 to implement the orders of the first respondent.

Learned counsel for the petitioner submits that when once the Revenue Divisional Officer-cum-Inams Tribunal, passed orders in favour of the petitioner, rejecting the claims of third parties in respect of the subject land, there could not have been any

objection for issue of Pattadar Passbooks and title deeds.

Learned Assistant Government Pleader for Revenue (General), after getting instructions in the matter, submits that in obedience to the Memo dated 26-10-2005 issued by the first respondent, the third respondent has passed orders on 03-12-2005 rejecting the claim of the petitioner, as the same is registered in the revenue records as 'Wakf lands'. He also submits that if the petitioner is aggrieved by such entries, his remedy lies elsewhere and the writ petition would not lie.

The allegation that the respondent Nos. 2 and 3 have not acted upon the Memo issued by the first respondent stands disproved. According to the learned Assistant Government Pleader, the claim of the petitioner was already rejected on 03-12-2005. If so advised, the petitioner may obtain a copy from the third respondent and file appropriate appeal against the same. Unless and until his right under the Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955 is determined, he cannot seek Pattadar Passbooks and title deeds in respect of the lands in survey Nos. 398, 399, 409, 410, 411 and 579 of Malkajgiri village and mandal, Ranga Reddy district.

The writ petition, with the above observations, is dismissed. No costs.

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V.V.S. RAO, J

30-12-2005

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